

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MORGAN, LEWIS & BOCKIUS LLP,)	
)	
Plaintiff,)	
)	
v.)	No. 08 CV 2748
)	Judge Pallmeyer
CITY OF EAST CHICAGO,)	Magistrate Judge Schenkier
)	
Defendant.)	

**MOTION FOR LEAVE TO FILE SUPPLEMENTAL
EXHIBITS IN FURTHER SUPPORT OF MOTION TO REMAND**

Plaintiff Morgan, Lewis & Bockius LLP (“Morgan Lewis”), by its undersigned attorneys, moves the Court for entry of an order granting Morgan Lewis leave to file supplemental exhibits in further support of its Motion to Remand the above-captioned action to the Circuit Court of Cook County, Illinois. In support of this motion, Morgan Lewis states:

1. On July 31, 2008, the Court held a hearing regarding Morgan Lewis’s Motion to Remand (Docket 14-15) in the above-captioned matter, as well as the Motion to Compel (Docket 23-24) and the Motion to Strike the Affidavit of Ms. Clare D’Agostino (Docket 25-26) filed by Defendant, the City of East Chicago (“East Chicago”).
2. The Court denied the Motion to Strike. (Docket 41.)
3. The Court granted in part, and denied in part, the Motion to Compel. (*Id.*) Specifically, the Court ordered Morgan Lewis to produce the signature pages from the partnership agreements for Charles Lubar (“Mr. Lubar”) and Lisa Yano (“Ms. Yano”),

the two Morgan Lewis partners whose partnership status and domicile are at issue in the Motion to Remand. (*Id.*)

4. In light of its ruling on the Motion to Compel, the Court entered and continued the Motion to Remand. (Docket 41.) At the hearing, the Court also instructed Morgan Lewis to provide affidavits from Mr. Lubar and Ms. Yano, so as to further supplement the record on the Motion to Remand.

5. Morgan Lewis has produced the signature pages from the partnership agreements for Mr. Lubar and Ms. Yano to East Chicago. In conjunction with the production of these signature pages, and per the Court's instruction, Morgan Lewis also has obtained an affidavit from Clare D'Agostino attesting to the validity of the signature pages and the content of the partnership agreements.

6. In addition, Morgan Lewis has obtained affidavits from Mr. Lubar and Ms. Yano attesting to their status as Morgan Lewis partners who are United States citizens domiciled abroad.

7. In furtherance of its Motion to Remand, and in compliance with the Court's instructions, Morgan Lewis seeks leave to file the affidavit of Ms. D'Agostino, the affidavit of Mr. Lubar, and the affidavit of Ms. Yano as supplemental exhibits in further support of its Motion to Remand.

8. The affidavit of Ms. D'Agostino is attached hereto as Exhibit A. Exhibit 1 to Ms. D'Agostino's affidavit includes partnership agreement signature pages dated March 1, 1981, October 1, 1984, and October 29, 1993 containing Mr. Lubar's signature, as well as a memorandum issued to all Morgan Lewis partners on October 8, 2004, announcing the effective date of a new partnership agreement and notifying current

partners that their signatures were unnecessary to render the new partnership agreement effective. Exhibit 2 to Ms. D'Agostino's affidavit includes a partnership agreement signature page dated March 1, 2007 containing Ms. Yano's signature.

9. The affidavit of Mr. Lubar is attached hereto as Exhibit B.

10. The affidavit of Ms. Yano is attached hereto as Exhibit C.

CONCLUSION

WHEREFORE, Morgan Lewis respectfully requests that the Court enter an order granting Morgan Lewis leave to file supplemental exhibits in further support of its Motion to Remand, and granting any further relief the Court deems just.

Dated: August 11, 2008

Respectfully submitted,

/s/ Tina B. Solis
One of the Attorneys for
MORGAN, LEWIS & BOCKIUS
LLP

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SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

I, Tina B. Solis, an attorney, certify that service of this document was accomplished pursuant to ECF on all Electronic Filing Users of record this 11th day of August 2008.

/s/ Tina B. Solis

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MORGAN, LEWIS & BOCKIUS LLP,)	
)	
Plaintiff,)	
)	
v.)	No. 08 CV 2748
)	Judge Pallmeyer
CITY OF EAST CHICAGO,)	Magistrate Judge Schenkier
)	
Defendant.)	

SECOND DECLARATION OF CLARE D'AGOSTINO

I, Clare D'Agostino, declare and state as follows:

1. I am Assistant Counsel to the Firm for Morgan, Lewis & Bockius LLP ("Morgan Lewis") in Philadelphia, Pennsylvania.
2. The duties of my position require me to be personally familiar with numerous aspects of the partnership of Morgan Lewis.
3. I am responsible for assisting partners of the firm in resolving risk management and conflict of interest issues, and I provide assistance to the partnership in the areas of professional responsibility and fiduciary review.
4. In addition I am responsible for making various mandatory disclosures, for example, foreign ownership interests in Morgan Lewis, which require me to keep track of individuals joining the partnership, as well as their residences and citizenship.
5. The duties of my position require me to be personally familiar with the terms of the partnership agreement governing the firm.
6. Morgan Lewis maintains records concerning the partnership agreement in the ordinary course of business.

7. Attached to this declaration as Exhibit 1 are true and correct copies of the signature pages of partnership agreements dated March 1, 1981, October 1, 1984, and October 29, 1993, containing the signature of Charles G. Lubar ("Mr. Lubar"), as well as a memorandum issued to all partners on October 8, 2004, announcing the effective date of a new partnership agreement and notifying the current partners that their signatures were unnecessary to render the new partnership agreement effective.

8. Attached to this declaration as Exhibit 2 is a true and correct copy of the signature page of the partnership agreement dated March 1, 2007 containing the signature of Lisa Yano ("Ms. Yano").

9. Mr. Lubar is a partner in Morgan Lewis. Mr. Lubar has been a partner since March 1, 1981. I have reviewed the terms of Mr. Lubar's partnership agreement, and they are identical to the terms of the partnership agreements entered into by other partners of Morgan Lewis.

10. Ms. Yano is a partner in Morgan Lewis. Ms. Yano has been a partner in Morgan Lewis since March 1, 2007. I have reviewed the terms of Ms. Yano's partnership agreement, and they are identical to the terms of the partnership agreements entered into by other Morgan Lewis partners.

11. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing information is true and correct based upon my personal knowledge and on information that I have obtained from documents that are maintained by Morgan Lewis in the ordinary course of business.

Dated: August 8, 2008


Clare D'Agostino

EXHIBIT 1

REDACTED
CONFIDENTIAL

IN WITNESS WHEREOF, the parties hereto have executed
and delivered this Agreement.

Charles G. Lubar
(Signature of partner)

Charles G. Lubar
(Typed name of partner)

THIS IS TO CERTIFY that the within instrument is a
true and correct counterpart of the Partnership Agreement of
Morgan, Lewis & Bockius, a partnership, as in effect at the
date of this certification and that at the date hereof the above-
named individual is a partner in such partnership.

Done this 1st day of March, 1981.

MORGAN, LEWIS & BOCKIUS

By *Howard L. Sheetz*
Managing Partner

Counterpart No. 1981-141.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement.

Charles G. Lubar
(Signature of partner)

CHARLES G. LUBAR
(Typed name of partner)

THIS IS TO CERTIFY that the within instrument is a true and correct counterpart of the Partnership Agreement of Morgan, Lewis & Bockius, a partnership, as in effect at the date of this certification and that at the date hereof the above-named individual is a partner in such partnership.

Done as of the 1st day of October 1984.

MORGAN, LEWIS & BOCKIUS

By *[Signature]*
Administrative Partner

Counterpart No. 1984-104.

CONFIDENTIAL

REDACTED
CONFIDENTIAL

IN WITNESS WHEREOF, the parties hereto have
executed and delivered this Agreement.


(Signature of partner)

CHARLES G. LUBAR
(Typed name of partner)

THIS IS TO CERTIFY that the within instrument is a
true and correct counterpart of the Partnership Agreement of
Morgan, Lewis & Bockius, a partnership, as in effect at the
date of this certification and that at the date hereof the
above-named individual is a partner in such Partnership.

Done as of the 29th day of October, 1993

MORGAN, LEWIS & BOCKIUS

By 
Managing Partner

CONFIDENTIAL MEMORANDUM

Morgan Lewis
C O U N S E L O R S A T L A W

TO: All Partners – All Offices
FROM: Francis M. Milone
DATE: October 8, 2004
SUBJECT: **Partnership Agreement effective September 29, 2004**

Attached is your copy of the new Partnership Agreement which was approved by the partners at the partner teleconference on September 29, 2004. The agreement became effective September 29, 2004 and governs the affairs of the partnership. You are not required to sign and return the attached Partnership Agreement. Please retain your copy for your records as it supersedes the Partnership Agreement previously signed by you. You will also receive an electronic copy of the Agreement which will be sent to you early next week.

Please remember that the Partnership Agreement is a **confidential** document.



Francis M. Milone
Chair of the Partnership

Attachment

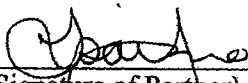
c: Francis X. Fee

CONFIDENTIAL

EXHIBIT 2

REDACTED
CONFIDENTIAL

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement.

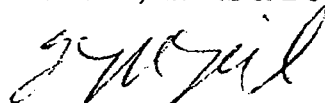

(Signature of Partner)

NAME: LISA YANO

THIS IS TO CERTIFY that the within instrument is a true and correct counter part of the Partnership Agreement of Morgan, Lewis & Bockius LLP, a limited liability partnership, as in effect at the date of this certification and that at the date hereof the individuals specified in Schedule A hereto are partners in such partnership.

Done as of the ^{1st} ~~26th~~ ^{march} of ~~February~~, 2007.

MORGAN, LEWIS & BOCKIUS LLP



FRANCIS M. MILONE
Chair of the Partnership

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

MORGAN, LEWIS & BOCKIUS LLP,)	
)	
Plaintiff,)	
)	
v.)	No. 08 CV 2748
)	Judge Pallmeyer
CITY OF EAST CHICAGO,)	Magistrate Judge Schenkier
)	
Defendant.)	

DECLARATION OF CHARLES G. LUBAR

I, Charles G. Lubar, declare and state as follows:

1. I am a partner in the law firm of Morgan, Lewis & Bockius LLP ("Morgan Lewis").
2. I was born in the United States and am a United States citizen. I also am a naturalized citizen of the United Kingdom.
3. I have taken no steps to terminate my United States citizenship and do not intend to do so.
4. Morgan Lewis has an office in London, United Kingdom, currently
5-10
located at ~~510~~ St. Paul's Churchyard.
5. I have been a partner resident in Morgan Lewis's London office since 1981.
6. I have resided in the United Kingdom since 1971.
7. I currently lease an apartment in London, located at 155 Sloane Street, and own a home in London, located at 36 Onslow Gardens. I also lease an apartment in New York, located at 24 West 55th Street. My home in London is my primary residence.
8. I live with my family.

9. I have no immediate plans to leave the United Kingdom and return to the United States to live on a permanent basis.

10. I have no immediate plans to retire from the employment of Morgan Lewis.

11. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing information is true and correct based upon my personal knowledge.

Dated: August 8, 2008



Charles Lubar

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

MORGAN, LEWIS & BOCKIUS LLP,)

Plaintiff,)

v.)

CITY OF EAST CHICAGO,)

Defendant.)

No. 08 CV 2748

Judge Pallmeyer

Magistrate Judge Schenkier

DECLARATION OF LISA YANO

I, Lisa Yano, declare and state as follows:

1. I am a partner in the law firm of Morgan, Lewis & Bockius LLP ("Morgan Lewis").
2. I was born in the United States and am a United States citizen.
3. I have taken no steps to terminate my United States citizenship and do not intend to do so.
4. Morgan Lewis has an office in Tokyo, Japan, currently located on the 9th Floor of the Shin-Tokyo Building at 3-1 Marunouchi 3-chome, Chiyoda-ku, Tokyo.
5. I have been a partner resident in Morgan Lewis's Tokyo office since March 1, 2007.
6. I am not a Japanese citizen but have resided in Japan continuously since 1992.
7. I currently own a condominium in Tokyo, located at 2-11-17-503 Moto Azabu, Minato-ku, Tokyo and a home in Kanagawa, Japan, which is part of the Greater Tokyo Area, located at 3-809-8 Kotsubo, Zushi-shi. My primary residence is at the Moto Azabu condominium.

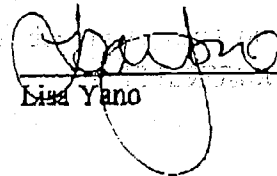
8. I live with my family.

9. I have no immediate plans to leave Japan and return to the United States to live on a permanent basis.

10. I have no immediate plans to retire from the employment of Morgan Lewis.

11. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing information is true and correct based upon my personal knowledge.

Dated: August 11, 2008


Lisa Yano